

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

36-3

AGENDA ITEM SUMMARY

Meeting Date: April 10, 2018

Consent  
 Workshop

Regular  
 Public Hearing

Department: Office of Financial Management and Budget

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: a negotiated settlement offer in the amount of \$21,415 for the full satisfaction of a Code Enforcement Lien that was entered against John D. Gwynn on May 22, 2007.

**Summary:** The Code Enforcement Special Magistrate (CESM) entered an Order on February 7, 2007 for property owned by John D. Gwynn (Mr. Gwynn) giving him until March 9, 2007 to bring his property located at 4682 Davis Road in Lake Worth into full Code Compliance. The property had been cited for overgrown vegetation and debris. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$100 per day was imposed. The CESM then entered a claim of lien against Mr. Gwynn on May 22, 2007. Code Enforcement issued an Affidavit of Compliance for the property on November 21, 2007 stating that as of November 21, 2007 the cited code violation had been fully corrected. The total accrued lien amount on August 31, 2017, the date on which settlement discussions began, totaled \$64,244.38, of which Mr. Gwynn has agreed to pay Palm Beach County \$21,415 (33%) for full settlement of his outstanding Code Enforcement Lien. District 3 (SF).

**Background and Policy Issues:** The initial violation that gave rise to this Code Enforcement Lien was for overgrown vegetation and debris on the property. The Special Magistrate gave Mr. Gwynn until March 9, 2007 to bring his property into full code compliance or a fine of \$100 per day would begin to accrue. A follow-up inspections by Code Enforcement on March 19, 2007 confirmed that the property was still not in compliance. A code lien was then entered against Mr. Gwynn on May 22, 2007. Code Enforcement issued an Affidavit of Compliance for the property on November 21, 2007 stating that as of November 21, 2007 the cited code violation had been corrected. The Collections Section of OFMB was initially contacted by Mr. Gwynn on August 31, 2017 and then again on January 30, 2018, when all parties met to discuss settlement of his Code Lien. Collections, after extensive review, evaluation, and discussions with Code Enforcement, Mr. Gwynn and his Attorney, Jason Evans, has agreed to present a proposed settlement offer in the amount of \$21,415 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:

  
Department Director

3/8/18  
Date

Approved by:

  
County Administrator

3/26/18  
Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$21,415)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$21,415)</u>	_____	_____	_____	_____

**# ADDITIONAL FTE POSITIONS (Cumulative)**

Is Item Included In Current Budget? Yes \_\_\_\_\_ No X  
 Does this item include the use of Federal Funds? Yes \_\_\_\_\_ No X  
 Budget Account No. Fund 0001 Department 600 Unit 6241 Object 5900

Reporting Category \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**C. Departmental Fiscal Review:**

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

*Jan [Signature] 3/7/18*  
*OFMB 3/18*  
*3/18/18*  
*3-7-18 RMB*  
*3/18/18*  
*3/18/18*

N/A  
 Contract Dev. and Control

**B. Legal Sufficiency:**

*[Signature]*  
 Assistant County Attorney

**C. Other Department Review:**

N/A  
 Department Director

## **Background and Policy Issues Continued (John D. Gwynn)**

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The factors considered during staff's review and evaluation of this settlement are as follows:

1. The violation that resulted in a Code Enforcement lien being placed against Mr. Gwynn was for overgrown vegetation and debris on his vacant property.
2. Mr. Gwynn initially cleared the vegetation from his property on February 28, 2007 but the cleared vegetation and trash/debris pile was not removed from the lot. A follow-up inspection on March 19, 2007 revealed that the vegetation had been removed but the trash/debris pile still remained.
3. On August 2, 2007, the Code Enforcement Officer met with Mr. Gwynn on site to show him the trash/debris pile that needed to be removed. The Code Enforcement Officer went back to the property on November 21, 2007 and confirmed that the trash/debris pile had been removed and an Affidavit of Compliance was issued.
4. This Code Enforcement case is the only case that Palm Beach County has had with Mr. Gwynn.
5. Mr. Gwynn is currently in the process of selling this property and the proceeds from the sale will be sufficient to pay this proposed Code Lien Settlement.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of November 21, 2007 and the property is in full compliance with the CESM's Order. Further, the cited violation did not involve any life/safety issues.

In light of the above stated circumstances, Staff believes that the proposed settlement is fair and in the best interest of Palm Beach County.

Settlement offers that reduce any debt amount due to Palm Beach County by more than \$2,500 require the approval of the Board of County Commissioners, per Countywide PPM# CW-F-048.